

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

CR 23-10018

Plaintiff,

vs.

REDACTED FACTUAL BASIS
STATEMENT

JAY ADAMS, JR.,

Defendant.

The Defendant states that the following facts are true, and the parties agree that they establish a factual basis for the offense(s) to which the Defendant is pleading guilty pursuant to Fed. R. Crim. P. 11(b)(3).

On or about the 4th day of September, 1992, in Roberts County, in Indian country, in the District of South Dakota, Jay Adams, Jr., an Indian, did unlawfully, and in the heat of passion, kill [NAME REDACTED], a human being, by inflicting blunt force trauma to her head, in violation of 18 U.S.C. §§ 1153 and 1112.

Sometime near the beginning of September 1992 Jay Adams, Jr., the defendant, was living at his parents' house in Roberts County, South Dakota, on the Lake Traverse Indian Reservation. Also staying in the home were the Defendant's three minor children, his girlfriend, Christine Nyvold, and her 23-month-old daughter, [NAME REDACTED], the victim. On the evening of September 3, 1992, the defendant was scheduled to work a night shift as a

dispatcher for the Sisseton Wahpeton Sioux Tribal police department. The defendant's shift ended at or near midnight.

Once completing his shift, the defendant went home to his parents' house and discovered that everyone was sleeping. The victim was asleep in a basement bedroom with the defendant's youngest child. While checking on the children, the defendant noticed the victim had a dirty diaper that had also soiled the bedding. When the defendant picked up the victim, she began fussing and squirming in his arms. Frustrated, the defendant grabbed the victim by the shoulders and reacted with violent force. In a fit of rage, the defendant slammed the victim on the ground, striking her head on the cement floor. Autopsy records also indicate that there were forceful blows applied to the victim's abdomen. The victim became immediately unresponsive. The defendant did not render aid at this point and ultimately placed her back into the bed.

The defendant woke early the next morning and fed the children present at the home, except the victim. The defendant had not checked on the victim yet at this point. After sending the other children out to play, the defendant went back down to the victim's room and noticed she was not breathing. The defendant grabbed the victim in a panic and attempted to wake her by and shaking and striking her, rather than immediately calling for help. The defendant heard Christine wake and call out for him. He carried the victim up the stairs and claimed to have "discovered" her not breathing. Both the defendant and the victim's mother attempted CPR and an ambulance was summoned. The victim was transported to the local emergency room, where she was pronounced dead.

At no point did the defendant tell the victim's mother, or law enforcement, what he had done.

An autopsy was performed and bruising to the victim's jaw, head, and shoulders were noted. In addition, significant bleeding in the abdomen was noted. The victim was discovered to have a stellate fracture to the back of her skull, which was caused by the back of the victim's head being forcefully slammed on to a hard flat surface. It was determined that the cause of death was blunt force trauma to the head.

Jay Adams, Jr., is an enrolled member of the Sisseton-Wahpeton Sioux Tribe, a federally recognized tribe, enrollment number 347-*00001175, and is 15/32 degree Indian by blood. The location of the incident is tribal trust land on the Lake Traverse Indian Reservation.

ALISON J. RAMSDELL
United States Attorney

Date

11/3/23


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11/7/23
Date

Jay Adams, Jr.
Jay Adams, Jr.
Defendant

11/7/23
Date

Jana Miner
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